Subject: Re: [EXTERNAL] Escalation — Unanswered Public Records Request (ALPR / Flock), Matter #00211, filed June 28, 2026
Date: Friday, August 14, 2026 at 7:37:38 PM Eastern Daylight Time
From: Bates, Joseph
To: Mark Williams
CC: Powell, Benita Angel
Attachments: image001.jpg, image002.jpg, image.png, image.png, image.png, image.png, image.png, Surveillance Technology Policy.pdf, ALPR SOP.pdf

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Good evening, Mr. Williams,

I hope this message finds you well.

As part of the University's ongoing review and rolling production, please find attached records responsive to your request.
The University continues to conduct a thorough review of records potentially responsive to your request and will provide responsive, non-exempt records on a rolling basis as that review progresses.

Your request remains active and is being processed. We appreciate your patience as we work to ensure that all responsive records are reviewed and produced in accordance with the North Carolina Public Records Act.

Best regards,
Joe Bates

Joseph Bates, J.D.
Legal Associate I Pre-Law Advisor
Division of Legal, Audit, Risk and Compliance
1200 Murchison Road
Fayetteville, NC 28301
(910)672-1523
jbates2@uncfsu.edu
Book time to meet with me

From: Powell, Benita Angel <bpowell3@uncfsu.edu>
Sent: Tuesday, August 11, 2026 1:08 PM
To: Mark Williams <mwilliams@ricefamilylaw.com>
Cc: Bates, Joseph <jbates2@uncfsu.edu>
Subject: Re: [EXTERNAL] Escalation — Unanswered Public Records Request (ALPR / Flock), Matter #00211, filed June 28, 2026

Mr. Williams,

Per your rolling request, Fayetteville State University can report that it does not currently have an operational Automated License Plate Reader (ALPR) system. The University remains in the onboarding and testing phase of implementing an ALPR system. While the University has executed contracts related to the ALPR system it anticipates using, it does not have a contract with Flock Safety.

The University is conducting a thorough review of records responsive to your request and will provide responsive, non-exempt records on a rolling basis as that review is completed. This includes records relating to contracts, policies, camera counts, retention practices, data-sharing agreements, audit information, and other requested materials, to the extent such records exist and are subject to disclosure under applicable law.

The request remains active and is being processed. We appreciate your patience as we work to ensure that any responsive records are reviewed and produced in accordance with the North Carolina Public Records Act.

Benita Angel Gwynn-Powell
Associate Vice Chancellor and Deputy General Counsel
Pre-Law Advisor
Division of Legal, Audit, Risk and Compliance
1200 Murchison Road
Fayetteville, NC 28301
(910) 672-1145
bpowell3@uncfsu.edu

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https://bit.ly/UNCFSU_LegalConnection

From: Powell, Benita Angel <bpowell3@uncfsu.edu>
Sent: Friday, August 7, 2026 16:12
To: Mark Williams <mwilliams@ricefamilylaw.com>
Cc: Bates, Joseph <jbates2@uncfsu.edu>
Subject: Re: [EXTERNAL] Escalation — Unanswered Public Records Request (ALPR / Flock), Matter #00211, filed June 28, 2026

Fayetteville State University is diligently working to gather and review the documents responsive to your request. We will provide a response as soon as this process is complete.

We appreciate your acknowledgment that response times may vary among institutions. Response times vary based on a variety of factors, including available resources, the number of requests pending ahead in the queue, and the scope and complexity of the requests received. Please be assured that your request remains active and is currently being processed.

Thank you for your support of Fayetteville State University and your patience and understanding. We will provide our response as soon as practicable. Feel free to call if you would like to discuss further.

Benita Angel Gwynn-Powell
Associate Vice Chancellor and Deputy General Counsel
Pre-Law Advisor
Division of Legal, Audit, Risk and Compliance
1200 Murchison Road
Fayetteville, NC 28301
(910) 672-1145
bpowell3@uncfsu.edu

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From: Mark Williams <mwilliams@ricefamilylaw.com>
Sent: Friday, August 7, 2026 15:54
To: Powell, Benita Angel <bpowell3@uncfsu.edu>
Cc: Bates, Joseph <jbates2@uncfsu.edu>
Subject: Re: [EXTERNAL] Escalation — Unanswered Public Records Request (ALPR / Flock), Matter #00211, filed June 28, 2026

Dear Ms. Powell,

Thank you. Let me narrow the disagreement, because I think it is smaller than your letter suggests.

You are correct that North Carolina sets no fixed numeric deadline for production, and I am not asserting one. I will also set aside the phrase "constructive denial," which is not the operative mechanism under our statute. To that extent we agree.

But the absence of a bright-line deadline is not the absence of a standard. N.C. Gen. Stat. § 132-6(a) requires public records to be produced "as promptly as

possible," and North Carolina's liberal-access doctrine does not permit a queue, a backlog, or a first-come, first-served practice to justify open-ended delay. *State Emps. Ass'n of N.C. v. Dep't of State Treasurer* (2010). "As promptly as possible" is a legal standard, measured by what is possible — not by the length of the University's queue.

On this record, what is possible is not in doubt. Nine constituent institutions of the UNC System received this identical request. Several produced within days — UNC School of the Arts in three, NC A&T in eleven — because the core items are Flock reports generated on demand from the Insights tab, plus a vendor contract already in hand. Fayetteville State, six weeks in, has produced nothing, set no completion date, and cited no exemption. That is the distance between "as promptly as possible" and where this request sits.

So I will restate my request in those terms. The August 14 date is not a deadline I am empowered to impose; it is a reasonable opportunity for the University to demonstrate the promptness the statute already requires. If, by then, the University has produced no records and identified no statutory basis for withholding, my recourse will not be a label — it will be an action under N.C. Gen. Stat. § 132-9 to compel production, in which a court may award costs and reasonable attorneys' fees under § 132-9(c).

A closing, personal word. My interest in Fayetteville State is not adversarial. One of my mentors growing up, the late **Mr. Felton J. Capel, Sr.**, served on this University's Board of Trustees and cared deeply about it — and I write in that same spirit. I would like Fayetteville State to meet the standard its sister institutions already have, not to stand out for the wrong reason. A prompt production puts this behind us, and I would genuinely rather report that than file anything.

I remain glad to confer by phone, and I appreciate your attention.

Sincerely,

~Mark

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RICE LAW, PLLC
RiceFamilyLaw.com

Mark Spencer Williams
Attorney

910.762.3854 Office
910.304.5360 Direct
910.251.6346 Office Fax
910.317.8930 Direct Fax

mwilliams@ricefamilylaw.com

105 N 6th Street, Wilmington, NC 28401

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From: Powell, Benita Angel <bpowell3@uncfsu.edu>
Date: Friday, August 7, 2026 at 8:07 AM
To: Mark Williams <mwilliams@ricefamilylaw.com>
Cc: Bates, Joseph <jbates2@uncfsu.edu>
Subject: Re: [EXTERNAL] Escalation — Unanswered Public Records Request (ALPR / Flock), Matter #00211, filed June 28, 2026

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Mr. Williams,

We did not state that failure to meet your requestor-imposed non-statutory deadline would be considered a denial of your request. FSU will provide responsive public records as soon as practicable in compliance with applicable law. Although you have requested a specific deadline, the University cannot commit to meeting a requester-imposed deadline, nor is it legally required to do so. Therefore, the University does not and will not consider an inability to meet your requested deadline to constitute a denial, constructive denial, or any other form of denial. As demonstrated by our ongoing communications, your request will remain active and is being processed.

Benita Gwynn Powell
Associate Vice Chancellor and Deputy General Counsel
Pre-Law Advisor
Fayetteville State University

From: Mark Williams <mwilliams@ricefamilylaw.com>
Sent: Thursday, 06 August 2026 21:47:50
To: Powell, Benita Angel <bpowell3@uncfsu.edu>
Cc: Bates, Joseph <jbates2@uncfsu.edu>
Subject: Re: [EXTERNAL] Escalation — Unanswered Public Records Request (ALPR / Flock), Matter #00211, filed June 28, 2026

Dear Ms. Powell:

Thank you for your response. It does not, however, move the request forward.

Your message describes the University's general process and directs me to a status page. It does not produce a record, provide a completion date, or cite an exemption for anything withheld — which is what a five-week-old request, now escalated, requires.

Two points bear repeating. The governing standard is production "as promptly as possible" under N.C. Gen. Stat. § 132-6(a), and a queue or backlog does not justify open-ended delay. *State Emps. Ass'n v. Dep't of State Treasurer* (2010). And these are not complex records: the core items are Flock reports generated on demand from the Insights tab. Seven constituent UNC institutions received the identical request and have produced or begun rolling production — UNC School of the Arts in three days, NC A&T in eleven. Fayetteville State stands alone in having produced nothing.

My request therefore stands. By **Friday, August 14, 2026**, please either (a) produce the responsive records, beginning with the Flock Network Audit in native CSV and the vendor contract, or (b) provide an itemized, statute-by-statute basis for anything withheld. Absent one of the two, I will treat the request as constructively denied and proceed accordingly.

I appreciate your attention to this.

Sincerely,

Mark Spencer Williams

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RICE LAW, PLLC
RiceFamilyLaw.com

Mark Spencer Williams
Attorney

910.762.3854 Office
910.304.5360 Direct
910.251.6346 Office Fax
910.317.8930 Direct Fax

mwilliams@ricefamilylaw.com

105 N 6th Street, Wilmington, NC 28401

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From: Powell, Benita Angel <bpowell3@uncfsu.edu>
Date: Thursday, August 6, 2026 at 4:52 PM
To: Mark Williams <mwilliams@ricefamilylaw.com>
Cc: Bates, Joseph <jbates2@uncfsu.edu>
Subject: Fw: [EXTERNAL] Escalation — Unanswered Public Records Request (ALPR / Flock), Matter #00211, filed June 28, 2026

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Dear Mr. Williams,

This email is in response to your inquiry about a public records request.

The University attempts to respond as promptly as possible to public records requests; however, the University's response time will vary depending on the availability of records, the complexity of the request, the volume of materials involved, the number of requests ahead in the queue, and the time required to review the materials for possible redaction to protect the privacy rights of students or employees or other information deemed confidential under federal or state law.

You received an initial acknowledgment of your records request. To check the status of that records request, please follow the directions as described on our Public Records website. uncfsu.edu/faculty-and-staff/divisions-departments-and-offices/division-of-legal-audit-risk-and-compliance/public-records

Thanks so much for your understanding!

Sincerely,
Benita

Benita Angel Gwynn-Powell
Associate Vice Chancellor and Deputy General Counsel
Pre-Law Advisor
Division of Legal, Audit, Risk and Compliance
1200 Murchison Road
Fayetteville, NC 28301
(910) 672-1145
bpowell3@uncfsu.edu

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From: Jenkins, Wanda <wljenkins@uncfsu.edu>
Sent: Wednesday, August 5, 2026 16:14
To: Powell, Benita Angel <bpowell3@uncfsu.edu>; Bates, Joseph <jbates2@uncfsu.edu>
Subject: FW: [EXTERNAL] Escalation — Unanswered Public Records Request (ALPR / Flock), Matter #00211, filed June 28, 2026

From: Mark Williams <mwilliams@ricefamilylaw.com>
Sent: Wednesday, August 5, 2026 3:25 PM
To: Jenkins, Wanda <wljenkins@uncfsu.edu>
Cc: Chancellor <chancellor@uncfsu.edu>
Subject: [EXTERNAL] Escalation — Unanswered Public Records Request (ALPR / Flock), Matter #00211, filed June 28, 2026

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Dear Ms. Jenkins:

I write to escalate an ALPR / Flock public-records request that Fayetteville State University has now left unanswered for more than five weeks. I filed it on June 28, 2026 (Matter #00211), and followed up on July 13 and again on July 22. To date the University has produced no records, provided no completion date, and cited no exemption. I have copied Chancellor Allison because the request has gone unanswered at the office level.

If there has been any response, I am unable to locate same.

The governing law is not in dispute. N.C. Gen. Stat. § 132-6(a) requires public records to be furnished "as promptly as possible," and North Carolina's liberal-access standard does not permit a backlog or a first-come-first-served practice to justify open-ended delay (*State Emps. Ass'n v. Dep't of State Treasurer*, 2010). The University need not create records, but it must produce those it has (*Ochsner*, 2019); vendor-held audit data remains reachable where the institution's contract gives it a right to that data (*Gray Media Grp. v. City of Charlotte*, 2023); and § 132-1.4 does not convert a vendor contract or an administrative audit into a non-public record (*Gannett v. SBI*, 2004).

The comparison is stark, and it is why I've escalated. **Seven constituent institutions of the UNC System received this identical request and have already produced records or begun rolling production** — UNC School of the Arts in three days, NC A&T in eleven. The core items are Flock reports generated on demand from the Insights tab; they are not a research project. Fayetteville State stands out for having produced nothing at all.

Accordingly, I ask that by **Friday, August 14, 2026** the University either (a) produce the responsive records, beginning with the Flock Network Audit in native CSV, and the vendor contract; or (b) provide an itemized, statute-by-statute basis for anything withheld. Absent one of the two, I will treat the request as constructively denied and evaluate the remedy the Public Records Act provides under N.C. Gen. Stat. § 132-9 — an action to compel production and to recover costs and reasonable attorneys' fees under § 132-9(c).

Before any filing, I remain willing to resolve this consensually, including through pre-litigation mediation under N.C. Gen. Stat. § 7A-38.3E, and I am glad to clarify or reasonably narrow any item. But the current silence cannot continue.

Respectfully,
Mark Spencer Williams

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RICE LAW, PLLC
RiceFamilyLaw.com

Mark Spencer Williams
Attorney

910.762.3854 Office
910.304.5360 Direct
910.251.6346 Office Fax
910.317.8930 Direct Fax

mwilliams@ricefamilylaw.com

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